

Agenda

Manistee Downtown Development Authority
Wednesday, November 13th, 2019 at 8 am
City Hall Council Chambers, 3rd Floor

1. Call to order – Chair
2. Approval of Agenda
3. Public comment. (Limit 5 minutes per person).
4. Approval of October 9th, Meeting Minutes
5. Approval of the October Financial Report
6. Committee Reports
 - a. Project Rising Tide – L.Reyes
 - b. Economic Development -K.Goodman
 - c. TIF – C.Berard
 - d. Spark – C.Berard
7. Approval of Consent Agenda - Committee and Partners Reports
 - a. Business Development – V. Bergstrom
 - b. N/A Design – B.Lind
8. Director's Report
 - a. Board Training Day- January 8th in City Council Chambers
9. Old Business
 - a. Action: Approval of the changes for the DDA Development and TIF plan for City Council Work session
 - b. Action: Approval for budget amendment for January 8th Board Planning Meeting
 - c. Action: Approval of 2020 meeting dates including adjusted date for November 2020 due to National Holiday
 - d. Discussion: DDA Director Roles and Responsibilities
10. New Business
 - a. Discussion: Manistee County Planning Department requesting DDA feedback from Housing Plan for direction and implementation
 - b. Action: Approval for the City of Manistee and Manistee DDA Master Agreement
11. Board Member comments
12. Public Comment. (Limit 5 minutes per person).
13. Adjournment

Next Board Meeting will be Wednesday, December 11th at 8 am in the City of Manistee City Council Chambers, 3rd Floor City Hall.

DOWNTOWN DEVELOPMENT AUTHORITY Four Year Term - 2nd Wed @ noon
 Purpose: Central Business District and Tax Increment Financing Authority

Thad Taylor ttaylor@manisteemi.gov	398-2801(work)	Appointed 05/19 City Manager
T. Eftaxiadis 817 Cherry Street eftaxiadis@charter.net	233-5642	Expires: 06/30/20 Appointed: 10/16 interest member
Kyle Mosher 50 Greenbush St ascentpropertiesmanistee@gmail.com	616-403-9633 VICE CHAIR	Expires: 06/30/20 Appointed: 02/19 interest member
Rachel Brooks 71 Oak Street sleekorenda@gmail.com	(989) 992-5512 CHAIR	Expires: 06/30/21 Appointed: 10/13 resident member
Karen Goodman 1925 Twelfth Street karengoody22@gmail.com	723-7291 231-309-1705 (work)	Expires: 06/30/21 Appointed: 09/17 interest member
Valarie Bergstrom 1224 Critter Trail vabergstrom@outlook.com	398-0742 723-1800 (work) TREASURER	Expires: 06/30/22 Appointed: 06/14 at large member
Barry Lind 562 Fourth Street barrylind@yahoo.com	398-0307 (home) SECRETARY	Expires: 06/30/22 Appointed: 06/10 interest member
Tamara DePonio 387 River Street tdeponio@4frontcu.com	231-357-6363 231-943-2338 (work)	Expires: 06/30/23 Appointed: 05/17 interest member
Jodi Walter 2141 Stronach Rd jodiw@lrcr.com	616-886-8941 (work)	Expires: 06/30/23 Appointed: 06/19 at large member

Downtown Development Authority continued

Caitlyn M Berard
70 Maple Street

DDA / Main Street Director
398-3262 (work)

Membership Requirements:

- At least 5 must have an interest in property in the downtown district.
- At least 1 member shall be a resident of the downtown district, if 100 or more people reside within it.

DOWNTOWN DEVELOPMENT AUTHORITY CITIZENS COUNCIL

Purpose: Advisory board to the DDA and the City of Manistee in the adoption of the development or tax increment financing plans. (Council must have at least 9 members)

VACANCY Appointed: 00/00

VACANCY Appointed: 00/00

VACANCY Appointed: 00/00

VACANCY Appointed: 00/00

VACANCY Appointed: 00/00

VACANCY Appointed: 00/00

VACANCY Appointed: 00/00

Paul Gavliniski 233-2543 Appointed: 05/19
80 Washington St., Unit 16
paul.gavliniski@gmail.com

Dennis terHorst 723-9973 Appointed: 05/19
63 Clay St.
dthcommunicraft@att.net

Membership Requirements:

- Must be a resident of the downtown district.
- Must be at least 18 years of age.

**MANISTEE DOWNTOWN DEVELOPMENT AUTHORITY
DOWNTOWN DOLLARS FUND
BALANCE SHEET**

ASSETS	<u>Oct 31, 2019</u>
Current Assets	
Checking/Savings	
248-014 · Downtown Dollars Checking 2018	1,402.00
248-015 · Downtown Dollars Checking 2019	<u>1,303.77</u>
Total Checking/Savings	<u>2,705.77</u>
Accounts Receivable	
248-2028 · Accounts Receivable	<u>20.00</u>
TOTAL ASSETS	<u>2,725.77</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
2018 Downtown \$ Outstanding	2,389.26
2019 Downtown \$ Outstanding	<u>925.73</u>
Total Liabilities	<u>3,314.99</u>
Equity	
248-390 · Fund Balance	-379.19
Net Income	<u>-210.03</u>
Total Equity	<u>-589.22</u>
TOTAL LIABILITIES & EQUITY	<u>2,725.77</u>

**MANISTEE DOWNTOWN DEVELOPMENT AUTHORITY
REVOLVING LOAN FUND
BALANCE SHEET**

ASSETS	Oct 31, 2019
Current Assets	
Checking/Savings	
Revolving Loan Checking - WSB	17,117.80
Total Current Assets	<u>17,117.80</u>
Other Assets	
Revolving Note Receivable	
RLB Boutique	5,500.20
Duchon Insurance	2,006.33
J Catlett's Men's Styling LLC	3,870.62
Total Other Assets	<u>11,377.15</u>
TOTAL ASSETS	<u>28,494.95</u>
 LIABILITIES & EQUITY	
Equity	
Fund Balance	28,359.72
Net Income	135.23
Total Equity	<u>28,494.95</u>
TOTAL LIABILITIES & EQUITY	<u>28,494.95</u>

**MANISTEE DOWNTOWN DEVELOPMENT AUTHORITY
GENERAL FUND
BALANCE SHEET**

ASSETS	Oct 31, 2019
Current Assets	
Checking/Savings	
248-000 · Petty Cash	1,000.00
248-010 · Checking - West Shore Bank	313,253.90
248-008 · Land Acquisition Account - WSB	78,754.32
248-003 · Façade Grants Checking	5,003.68
Total Checking/Savings	<u>398,011.90</u>
248-028 · Accounts Receivable	8,969.33
12100 · Pre-Paid Expenses	-
Total Other Current Assets	<u>8,969.33</u>
Total Current Assets	<u>406,981.23</u>
 Other Assets	
248-182 · Investment - Amer Cleaners Prop	84,159.60
 TOTAL ASSETS	 <u><u>491,140.83</u></u>
 LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
248-202 · Accounts Payable	4,481.74
248-204 · Unearned Revenue	-
248-210 · Payroll Liabilities	1,823.89
Total Current Liabilities	<u>6,305.63</u>
Total Liabilities	<u>6,305.63</u>
 Equity	
248-392 · Designated Fund Balance	
248-393 · Land Acquisition .	78,754.32
248-396 · Façade Grant	5,003.68
Total 248-392 · Designated Fund Balance	<u>83,758.00</u>
248-390 · Fund Balance	303,092.54
Net Income	97,984.66
Total Equity	<u>484,835.20</u>
 TOTAL LIABILITIES & EQUITY	 <u><u>491,140.83</u></u>

Manistee Downtown Development Authority

Monthly Disbursements

October 2019

Date	Transaction Type	Num	Name	Memo/Description	Amount
10/03/2019	Check	DD	Caitlyn M Berard	Bi-weekly payroll	1,463.98
10/04/2019	Bill Payment	3823	Cardmember Service	Credit Card Statement	164.00
10/05/2019	Check	3819	Unemployment Insurance Agency (UIA)	Unemployment Tax	107.58
10/05/2019	Bill Payment	4583	DESMOND JONES BAND	Hops & Props band	500.00
10/08/2019	Check	EFTPS	UNITED STATES TREASURY	941 Payroll taxes	2,126.92
10/11/2019	Bill Payment	4575	Big Buck Brewery	Hops & Props	237.00
10/11/2019	Bill Payment	4582	Jackpine Business Centers	Office supplies	195.16
10/11/2019	Bill Payment	4581	WHITE KNIGHT	Hops & Props	310.00
10/11/2019	Bill Payment	4580	Sports Ink Screen Printing	Hops & Props	1,215.00
10/11/2019	Bill Payment	4574	Lucky Lizard Awards & Gifts	Riverwalk signs - flowerbeds	273.15
10/11/2019	Bill Payment	4576	Connie M Tewes CPA LLC	Accounting & QBO subscription	425.00
10/11/2019	Bill Payment	4577	Beckett & Raeder	Redevelopment plans	362.50
10/11/2019	Bill Payment	4578	Weesies Brothers Farms Inc	Fall flowers	694.60
10/11/2019	Bill Payment	4579	Web Creations and Consulting	Social media and electronic design	275.00
10/17/2019	Check	DD	Caitlyn M Berard	Bi-weekly payroll	1,463.99
10/29/2019	Bill Payment	4585	Web Creations and Consulting	Social media and electronic design	50.00
10/29/2019	Bill Payment	4584	MIKA MEYERS BECKETT & JONES PLC	Attorney fees	800.00
10/31/2019	Check	DD	Caitlyn M Berard	Bi-weekly payroll	1,463.98
					<u>\$ 12,127.86</u>

MANISTEE DOWNTOWN DEVELOPMENT AUTHORITY
MEETING MINUTES OF OCTOBER 9, 2019
8:00 A.M., MANISTEE CITY HALL

PRESENT: Rachel Brooks, T. Eftaxiadis, Barry Lind, Kyle Mosher, Thad Taylor, Jodi Walter, Tamara DePonio, Karen Goodman (arrived at 8:15)

EXCUSED ABSENCE: Valarie Bergstrom

ALSO PRESENT: DDA Director Caitlyn Berard, Stacie Bytwork (Manistee Area Chamber of Commerce), Marc Miller (Manistee Area Chamber of Commerce), Roger Zielinski, Michael Szymanski, Scott Ward (WSCC), Crystal Young (WSCC), Tom St. Dennis (Little River Holding, LLC), Jeff Dontz (Manistee Area Chamber of Commerce)

1. **Call to Order.** Meeting called to order by the Chair at 8:02 a.m.
2. **Approval of Agenda.** MOTION by Eftaxiadis, second Taylor to approve the agenda. Voice vote—Motion approved.
Lind requested that Project Rising Tide be removed from the Consent Agenda.
3. **Public Comment.** None.
4. **Approval of September 11, 2019 Meeting Minutes.** MOTION by Eftaxiadis, second by Lind to approve the September 11, 2019 minutes. Voice vote—Motion approved.
5. **Approval of the September Financial Report.** MOTION by Eftaxiadis, second by Taylor to approve the September financial report. Lind questioned the \$5400 expense from property acquisitions since no properties have been acquired this fiscal year. Lind commented on the \$8,000 budget overage on the Hops & Props event. He stated that in the future he would like the Board to be informed of such substantial overages. Voice vote—Motion approved.
6. **Project Rising Tide Report.** Reyes updated the Board on recommendations for Board trainings, branding, façade grant, and housing. The first Board training will be scheduled for late October or early November. The Forward Manistee group will be meeting monthly beginning on Tuesday, November 12, 2019. Marc Miller will be taking over much of the responsibilities going forward as Reyes fellowship with the City will be coming to an end.
7. **Committee and Partners Reports. Design:** Lind discussed the blight issue downtown and specifically about the Rozmarek properties. The Rozmarek's HDC permits expired in September. At the Board's request, Caitlyn sent out a letter to the City requesting assistance with the blight enforcement. Since then the HDC has renewed the permits through June 2020. This is the final renewal that will be issued to the Rozmeraks.
8. **Approval of Consent Agenda. Business Development:** MOTION made by Lind, second by Mosher to accept the development plan as presented. Voice vote—Motion approved.
9. **Director's Report.** Berard provided the date for the Board's strategic planning meeting,

Wednesday January 8, 2020, 8 a.m. to 5 p.m. Discussed timeline for the SPARK: October 30, 2019 is the closing date for submissions, November 21, 2019 finalists will be announced, and January 25, 2020 is pitch day.

10. **Old Business.**

Action: Consideration of negotiations for Little River Holdings, LLC: Discussion included that the executive committee had been contacted by the Little River Holdings, LLC requesting the contingencies the DDA would like to see included in the purchase agreement of the American Cleaner property. Berard had sent a letter to LRH, LLC advising them that the DDA was interested in going forward with the Gateway Development project but LRH, LLC still requires a specific list of features that the Board would like to see included in the development of the American Cleaner property. Berard has begun this process.

Berard reminded the Board of the original goals for the property, consistent with the MSU study:

- Activation and beautification of the site
- Mixed Use Space
- A traffic study to be conducted
- Clear timeline
- Keep TIF revenue
- Office space available for lease to the DDA

MOTION was made by Taylor to donate the American Cleaner property towards project with the stipulations listed above. Goodman supported motion. Discussion continued. Tom St. Dennis, Attorney for LRH, LLC, expressed the need for a resolution from the Board showing leadership to other businesses and good faith in this project.

MOTION by Taylor was amended to direct Berard to draft a Resolution today to include DDA's intent to donate the American Cleaner property toward the project with stipulations, consistent with the MSU study. Stipulations would include:

- Activation and beautification of the site
- Mixed use space
- A traffic study to be conducted
- Clear timeline
- Keep TIF revenue
- Include long-term lease with no cost to the DDA
- Include the Gateway language

Amended MOTION seconded by Goodman.

With a Roll Call vote this motion passed 7 to 1.

Yes: Brooks, Eftaxiadis, Mosher, Taylor, Walter, DePonio, Goodman

No: Lind

Action: Adoption of the Project Rising Tide Strategies—Branding, Economic Development Strategy and Housing Action Plan: MOTION by Lind, second by Taylor to adopt the Project Rising Tide Strategies. Voice vote—Motion passed.

TIF: Eftaxiadis stated the TIF Plan has been revised with new numbers based on TIF Revenue. Some members hadn't received it or received the wrong draft, Berard will forward them the current draft. Berard needs the Board to provide any comments on the current draft to her by October 18, 2019 to be incorporated in the final draft to be presented to City Council.

Action: Appointment of Committee Chair and Members: Design Committee—Barry Lind, Kyle Mosher, Janet Duchon (West Shore Bank), Jeff Mikula (City of Manistee—DPW), Dennis terHorst, Stacie Bytwork (Manistee Area Chamber of Commerce), Shari Wild, Jeff Reau (Edward Jones). **Business Development Committee**—Valarie Bergstrom, Stacie Bytwork, Tamara DePonio, Carrie Kosla (Chemical Bank), Tom Hinman (West Shore Community College, SCORE) Jodi Walter, Sharon Gordon (CBSP – Northwest Michigan Works!), Joni Krolczyk (SBDC), Jamie Catlett (2018 SPARK winner, Jamie Catlett LLC). **TIFF Committee**—T. Eftaxiadis, Barry Lind, Karen Goodman.

MOTION by Lind, second by Taylor to accept Chair appointments. Voice vote—Motion approved.

Action: RFP for DDA contracts including attorney and graphic design: After discussion it was decided that the Board would wait to review all contracts after the beginning of 2020 in preparation for the next fiscal year.

11. **New Business.**

Action: Consideration of Hiring of a part-time office support: After discussion it was decided that this topic would be revisited after Berard's 6 month review. Chair Brooks asked that it be put on December's agenda.

Action: Consideration of budget amendment for Design Committee- Parking Signage: Lind advised that the Board had approved the \$4500 for parking signage last fiscal year but it was not completed then. The City of Manistee DPW now has the signs ready but the current budget will need to be amended to accommodate this.

MOTION was made by Lind, second by Mosher to amend the 2019/2020 budget in the amount of \$4500 for parking signage. Voice vote—Motion approved.

Action: Consideration of West Shore Community College redevelopment project at 400 River Street (former Glik's building), and the need for inclusion in the DDA bonding plan for this transformative project: Marc Miller (Economic Director, Manistee Area Chamber of Commerce) advised the Board of the benefits of having the West Shore Community College presence in the Downtown area. He advised that the Northwest Michigan Works!, Manistee Area Chamber of Commerce, and WSCC Staff will be housed in the 400 River Street location. He introduced Scott Ward, President of WSCC, and Crystal Young. They went through the two possible design plans, asking for additional bonded funds from the DDA to improve the façade of the building and streetscape to blend with the Downtown architecture. The additional amount required is \$750,000, with an additional \$250,000 to beautify the Riverwalk area adjacent to the property. Original plan was to start construction on the façade September 1, 2019 with a January 1, 2020 occupancy date. They are now looking at June 2020 occupancy because of the delay. Discussion included design plans, MEDC funding and other funding sources, TIF plan changes to accommodate funding/ City of Manistee Council approval, and collaborating to achieve shared

goals.

MOTION by Taylor, second by Goodman to direct the TIF Committee to look at the current 20 year TIF plan and adjust it to a 25-30 year plan to allow for \$500,000 to \$750,000 façade funding to WSCC with additional \$250,000 for Riverwalk improvements. Subject to Manistee City Council approval. Voice vote—Motion approved.

Action: Consideration of collaboration for an events coordinator housed at the Chamber, that will plan and focus on signature events for Manistee, including new events for downtown: Marc Miller (MACOC) Began by thanking the Board for their consideration of the last topic and confirmed that Berard should be the contact for Crystal Young (WSCC). Further discussion included creating conversation regarding collaboration in planning/executing important local events. MOTION by Taylor, second by Mosher to have Berard meet with Stacie Bytwork (MACOC), and Kathryn Kenny (CVB) to come up with a plan of collaboration to streamline local events. Voice vote—Motion approved.

Action: Funding request for Chamber's economic development program: Goodman reported the Economic Development Committee recommends when working together with other organizations on projects the DDA should pay a fee per contract and not a flat fee.

MOTION by Mosher, second by Taylor to have Economic Development Committee meet with representative from MACOC to negotiate a contract for financial support.

With a Roll Call vote this motion passed 7 to 1.

Yes: Brooks, Lind, Mosher, Taylor, Walter, DePonio, Goodman

No: Eftaxiadis

12. **Board Member Comments.** Taylor commended the Board for the leadership steps they took today.

13. **Public Comment.** Jeff Dontz (Board Member of MACOC) echoed Taylor's comment commending the Board for their leadership steps in improving River Street.

14. **Adjournment.** MOTION by Taylor to adjourn at 10:38 a.m.

Kelly McColl
Acting Recording Secretary

DOWNTOWN DEVELOPMENT AUTHORITY

MANISTEE, MICHIGAN

At a regular meeting of the Manistee Downtown Development Authority (DDA) held in the City Council Chambers, 70 Maple Street, Manistee Michigan, October 9th, 2019 the following resolution was offered by Taylor and supported by Goodman.

BOARD RESOLUTION REGARDING SALE OF PROPERTY

WHEREAS, it is critical for the DDA's objectives for Downtown Manistee that it partner with a developer transferring to the developer the DDA Property, 51-448-715-01

FILER + SMITHS ADD PT LOTS 1, 2 + 7 COM 16.7 FT W OF NE COR LOT 1, SLY ALG W LI US 31 TO W LI LOT 7, N 35.3 FT, W 31.35 FT, N TO N LI LOT 2, E 80.89 FT TO POB. BLOCK 7 ____ P.ADDR: 283-5 RIVER ST

commonly known as 285 River St., Manistee MI 49660 (corner of River St. and US-31) (the "Property"), upon certain stipulations agreed, or to be agreed, to between the parties, as discussed by the DDA board at its August 23rd, 2019 special board meeting;

WHEREAS, the DDA will request its Attorney to review all documents with the greatest DDA interest in mind;

WHEREAS, the DDA originally purchased the Property with the intention of the beautification, active development, and preservation of the architectural integrity of Downtown Manistee, the Property being a critical gateway and entrance to the DDA district;

WHEREAS, the DDA Investment of \$86,641.09 must be matched in the development of the site;

IT IS HEREBY RESOLVED, to donate 285 River St., Manistee MI 49660 to Little River Holdings, LLC, in partnership with a multiple property development project, with the following stipulations currently under negotiation:

- Development of the Property to be in accord with the recommendations in the documented MSU study such as a mixed-use building, signage improvements, gateway improvements, traffic study etc.
- Property to continue on the tax roll and subject to TIF capture
- Parties to agree to discuss/negotiate lease for the DDA office in future building

- Developer to commit at least \$86,641.09 to development of the Property; and
- The transfer of the Property shall be in an "AS IS" Condition.

Yeas: R. Brooks, T. Eftaxiadis, K. Mosher, T. Taylor, J. Walter, T. DePonio, K. Goodman

Nays: B. Lind

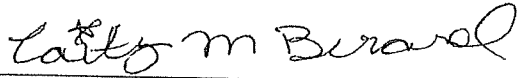
Absent: V. Bergstrom

Abstain: N/A

RESOLUTION DECLARED ADOPTED

CERTIFICATION

I certify that this is true and complete copy of a resolution adopted by the Manistee DDA, Manistee County, Michigan at a regular meeting held on October 9th, 2019.



Executive Director, Caitlyn M Berard

Conferences and Trainings

- Leadership Day – October 17th
- Northern Michigan Housing Summit – November 18th
- SBDC Small Business Summit – October 30th
- Michigan Downtown Association Annual meeting – November 7th and 8th

Administrative

- Pay Authorizations/deposits, invoicing, phone coordination, credit card communication
- Attend and present at Merchant meeting - October 15th
- Partnership with CVB on B2TB – CANCELED
- Event Coordinator research and preparation for November 20th CVB/Chamber/DDA meeting
- Revolving Loan Process and Checklists
- Development and TIF plan updates/adjustments
- Hops and Props and Sleighbell Admin
- Attended Ad-Hoc Blight Committee meeting October 15th

Reporting PA 57

- Communication with State Treasury Department for year closing
- Website updates
- New filing and recording recommendations

Fully Support Spark

- Application Extended to November 12th at Midnight
- SBDC planning, training and involvement
- Activation of Marketing Plan
- Press Releases

American Cleaners project

- Resolution for Little River Holdings, LLC

Support Design Committee Initiatives

- Project Bloom Communication, have not received feedback since mailings

Support Project Rising Tide

- EDS Discussion with Joe Borgstrom on October 14th
- ED Committee discussion on contract and board needs

Business Development Committee

- Spark
- Business Retention Visits

I will be out of the office on holiday from December 31st to January 7th. January 8th's meeting preparation will be completed December 30th. Please let me know additional committee comments and reports before this date for the meeting agenda and packet.



Application Deadline EXTENDED: November 12th at Midnight

**Finalist Announcement: National Entrepreneurship Day November
19th**

**Live Video Announcement from 11 am to 1pm from J.Cattlett Men's Barber
Shop**

SBDC Pitch Presentation Training: December 11th 12pm-1:30pm

Tour Date of Downtown Buildings: IN PROGRESS

**SBDC 1-1 Counseling: December 19th 10 am- 2pm at the Ramsdell
Theatre**

**SBDC 1-1 Counseling; January 16th and 17th from 10 am – 2pm at
Ramsdell Theatre**

Pitch Day: January 25th from 10 am to 1pm at Ramsdell Theatre

DOWNTOWN MANISTEE
— *michigan* —

DOWNTOWN MANISTEE

michigan

Goals and Responsibilities for DDA Staff

June 2019- December 2019

- Reporting DDA
 - PA 57 Website Publishing
 - New State regulations on TIFA reporting
- Fully Support Spark
 - Represent as a staff member for the planning and event
- American Cleaners Project
 - MSU Study engagement
 - Planning for its purpose
 - Planning for its revenue stream
- Support Design Committee Initiatives
 - Art Park
 - American Cleaners
 - Garbage Can/Planter Painting
 - Streetscape Repairs (Paver/sidewalk leveling)
- Support Project Rising Tide Initiatives
 - Attend Meetings and presentations
 - Engage in Project Rising Tide plans
- Business Development Committee
 - Retention Plan
 - Research other Downtowns
 - Best Practices and Form Creation
 - Property and Business Inventory

2020 DDA Board Meeting Dates for Review

DDA Bylaws indicate meetings will be held the 2nd Wednesday of the Month at 8 am

City Council Chambers, 3rd Floor City Hall, 70 Maple St

*unless indicated otherwise

January 8th

Feb 12th

March 11th

April 8th

May 13th

June 10th

July 8th

August 12th

September 9th

October 14th

*November 13th

(November 11th is Veteran's Day, City Hall will be closed)

December 9th

City of Manistee and City of Manistee Downtown Development Authority

Master Agreement

THIS AGREEMENT entered into this ____ day of _____, 2019, by and between the MANISTEE DOWNTOWN DEVELOPMENT AUTHORITY, a Michigan municipal component unit (DDA), of 70 Maple Street, Manistee, MI 49660 and the CITY OF MANISTEE (City), a Michigan municipal corporation, of 70 Maple Street, Manistee, Michigan 49660;

WHEREAS, the DDA is scheduled to sunset and dissolve on June 30, 2019, and;

WHEREAS, the DDA wishes to renew its Development and Tax Increment Financing Plan, and;

WHEREAS, the City and DDA have jointly reviewed the plan, and;

WHEREAS, the City and DDA desire to extend their long and productive working relationship and work together toward improving Downtown Development District (Downtown), and;

WHEREAS, the City and DDA desire to document various understandings and commitments in a comprehensive master agreement:

NOW, THEREFORE, the parties, for their mutual benefit, agree as follows:

1. DDA Office Space

- 1.1 The City will provide at no cost office space (office) in the form of the “Historic Library” on the first floor of City Hall and access to conference rooms and the break room; as well as reasonable use of internet access, file server resources and phone service.
- 1.2 The City shall provide a key fob for City Hall and office key. These shall be returned promptly upon the DDA no longer using the office.
- 1.3 The DDA agrees to maintain the office in good repair and report any issues promptly;
- 1.4 The City will provide the DDA with reasonable access to a copier. The DDA shall use a code assigned to the DDA to track usage. All usage will be billed to the DDA at a rate of \$.05 per copy, no less than annually.

- 1.5 The City will provide the DDA with access to a postage machine. The DDA shall use a code assigned to the DDA to track usage. All usage shall be billed to the DDA at the actual cost of postage used no less than annually.

2. DDA Accounting & Audit Services

- 2.1 The DDA uses an outside third-party to maintain its accounting books and records. The City is willing to provide these services to the DDA at a future time at a cost to be determined if the DDA wishes to pursue this option.
- 2.2 The DDA shall use the same independent audit firm as the City and field work shall be conducted at the same time as the City's. The City will periodically bid out auditing services and solicit a separate price for the DDA audit.

3. DDA Budget

- 3.1 The DDA shall submit its proposed budget to the City Manager no later than two weeks before the City budget is to be presented to City Council. The DDA budget and narrative will be incorporated in the City's budget document.
- 3.2 The DDA may approve a temporary budget in connection with the operation of any improvements which have been financed by revenue bonds when required to do so by the ordinance authorizing the revenue bonds.
- 3.3 The City shall approve the DDA's budget prior to the DDA board adopting the budget.
- 3.4 The DDA budget shall include compensation to the City, as adjusted annually for inflation, referenced in Section 9.

4. DDA Landscaping\Riverwalk Services

- 4.1 The DDA desires certain landscaping and maintenance services in the Downtown and Riverwalk. The City shall provide those services to the DDA.
- 4.2 The scope of landscaping services is reflected in Attachment 1. The scope may be amended from time to time by mutual written agreement.
- 4.3 The City and DDA shall establish a review process to ensure the landscaping services being requested and provided are acceptable to both parties and in conformance with the scope of services.

5. DDA Christmas Decorations\Sleighbell

- 5.1 The DDA desires Christmas lights and decorations in the Downtown and other services related to the Sleighbell Festival.
- 5.2 The City shall procure and bill the DDA for all lights and install them in the Downtown.

5.3 The City shall install decorations (including but not limited to bows, ribbons & garland) provided by the DDA in the Downtown.

5.4 The scope of Christmas lights and decorations and Sleighbell services is reflected in Attachment 2. The scope may be amended from time to time by mutual written agreement.

5.5 The City and DDA shall establish a review process to ensure the installation and removal of Christmas lights and decorations are acceptable to both parties and in conformance with the scope of services.

6. DDA Hanging Flower Baskets

6.1 The DDA desires to have hanging flower baskets in the Downtown. The DDA shall procure, and the City shall install and water the hanging flower baskets.

6.2 The scope of hanging flower basket services is reflected in Attachment 3. The scope may be amended from time to time by mutual written agreement.

6.3 The City and DDA shall establish a review process to ensure the landscaping services being requested and provided are acceptable to both parties and in conformance with the scope of services.

7. DDA Enhanced Services

7.1 The City provides enhanced services to the DDA including but not limited to street snow removal, sidewalk snow removal and salting, street sweeping, pedestrian garbage removal and traffic and pedestrian control.

7.2 The scope of enhanced services is reflected in Attachment 4. The scope may be amended from time to time by mutual written agreement.

7.3 The City and DDA shall establish a review process to ensure the enhanced services being requested and provided are acceptable to both parties and in conformance with the scope of services.

8. City Infrastructure in Downtown

8.1 The City owns the infrastructure in the Downtown, whether paid for by the City or the DDA, and is responsible for its repair and maintenance.

8.2 Infrastructure is defined as streets, sidewalks, crosswalks, the Riverwalk and appurtenances, public restrooms, water mains, sewer mains, light poles, streetlights, benches, signs, flower baskets, parking lots, fountain, and other items commonly referred to as infrastructure.

8.3 The City in its sole discretion shall decide the proper frequency and type of repairs or maintenance that will occur on the City infrastructure.

8.4 The DDA may request enhanced or expedited maintenance of City infrastructure, and if the City agrees, the DDA will participate financially in the cost of such repairs or maintenance as is mutually agreed to in writing.

8.5 Any new infrastructure requested or proposed by the DDA in the Downtown must be approved by the City in writing.

8.6 Any cost of new infrastructure in the Downtown will be paid for by the DDA unless a written agreement specifies otherwise.

8.7 Any new infrastructure shall be procured and installed by the City or its contractors and will follow the City's purchasing policy.

9. DDA Payment for Services

9.1 In consideration of all the enumerated services (excluding City infrastructure) provided to the DDA, the DDA agrees to pay the City \$75,000 for the period July 1 to June 30. Payments shall be made quarterly in by no later than the end of July, October, January and April of each year.

9.2 The amount paid to the City by the DDA shall increase at a rate of 3% annually.

9.3 The City and DDA understand there may occasionally be work or projects that fall outside of the scope of this agreement. If this occurs, City will be compensated at the rate of \$30/hour. Any such additional work must be authorized by the DDA.

9.4 If work outside the scope of this agreement is anticipated to be recurring in nature, the City and DDA shall amend the agreement to reflect the new scope and/or compensation.

10. Notices

Any notices required under this agreement shall be directed to:

City of Manistee
Attention: City Manager
70 Maple Street
Manistee, Michigan 49660

Manistee Downtown Development Authority
Attention: Executive Director
70 Maple Street
Manistee, MI 49660

11. Applicable Law & Dispute Resolution:

This Agreement shall be interpreted in accordance with the laws of the State of Michigan.

12. Modification of Agreement:

This Agreement may be modified only in writing signed by the Parties.

13. Entire Understanding:

The Parties acknowledge that this is the entire understanding between them as to the subject matter hereof and that there are no other provisions or agreements, either express or implied, that have not been incorporated into this agreement.

14. Unenforceability of Provisions:

If any provision of this agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the agreement shall remain in full force and effects.

15. Effective Date of Agreement:

It is expected that this agreement will be signed in multiple parts and at different times by the Parties. The agreement will be effective starting July 1, 2020 when representatives of both Parties have executed the agreement and dated the same.

16. Termination

This contract may be terminated with or without cause as of June 30 of each year provided the terminating party provide not less than 180 days written notice. Payment shall be made up to the point of termination.

17. Authorization:

The individuals signing this Agreement represent that they have been duly authorized to execute the Agreement for and on behalf of their principal.

IN WITNESS WHEREOF, the Parties execute this agreement on the date denoted next to their respective signatures.

MANISTEE DOWNTOWN DEVELOPMENT AUTHORITY

By: _____ Date: _____

Rachael Brook, Chair

CITY OF MANISTEE

By: _____ Date _____

Roger Zielinski, Mayor

By: _____ Date _____

Heather Pefley, Clerk

Attachment 1

DDA Landscaping\Riverwalk Scope of Service

As discussed in Section 4, the City agrees to provide the following Landscaping services:

1. Season of work shall be approximately May 1 to October 31.
2. Each season, special attention will be given prior to Memorial Day to properly clean-up and landscape all areas downtown for the summer tourism season. Extra attention shall also be given prior to and after significant community and downtown events.
3. City agrees to complete a walkthrough monthly or as requested with representatives from the DDA.
4. Mowing grass 5 feet off of Riverwalk as well as the hill/grass to the SE of the US-31 Bridge. The grass clippings should be removed from site. The grass in the Manistee Municipal Marina section is not part of this proposal.
5. Maintain the height of all foliage north of the Riverwalk between the Riverwalk and River so that it never grows beyond the wood/concrete of the Riverwalk. It should stop where the railing begins.
6. All dirt, debris, and trash should be regularly removed from the Riverwalk.
7. Empty trash cans and replace can liners on the Riverwalk.
8. Natural Brown Mulch shall be replaced each spring in all flower/shrub beds along the Riverwalk.
9. All shrubs, perennials, and trees along Riverwalk shall be maintained/pruned and replaced as needed. Maintenance of shrubs/trees/perennials shall be done according to seasonal requirements.
10. Trees overhanging Riverwalk shall never hang below 7 feet (keep in mind, when wet they hang lower than normal).
11. Stairs and walkways connecting the Riverwalk to River Street are part of the Riverwalk and shall be maintained regularly. Stairs and walkways need to be weeded and trash/debris removed regularly.
12. General maintenance issues need to be reported to the DDA.
13. Sidewalks on River Street, Division Street, Filer Street, Clay Street, Washington Street, Memorial Drive, Greenbush Street, Poplar Street, Maple Street, Oak

Street, Pine Street, Spruce Street, and Water Street (in commercial areas only) need to be weeded and kept clear of debris and trash.

14. Public Parking Lots in the DDA District should be weeded and kept clear of debris and trash. All islands and grass located in these lots shall also be cut and clippings removed.
15. Some of these islands have shrubs and will need mulch each year as well as maintenance to the shrubs. These are marked with a(*). These parking lots are listed below:
 - a. Lot at corner of Washington Street and Memorial Drive*
 - b. Lot at corner of Division Street and River Street
 - c. Lot beside Manistee Insurance and Dick's Barber Shop*
 - d. City Lot behind Vogue Theater
 - e. City Lot behind PNC drive through on Poplar Street
 - f. Lot at corner of Water Street and Greenbush Street*
 - g. Lot between Filer Street and Clay Street as well as Greenbush Street and Division Street*
 - h. Lot behind Manistee Chamber of Commerce Building
16. The Fountain Plaza located between Water Street and River Street at Oak Street shall also be maintained. This will include weeding, cutting grass, and keeping area clear of debris and trash. Fresh mulch shall be added each spring the same as the Riverwalk.
17. The Restrooms on River Street beside Goody's shall be weeded and kept clean of debris and trash. Also, behind the Restrooms is a small patch of park that needs grass cutting, shrubs/trees trimmed and maintained as well as trash and debris removal.
18. Ensure debris (when present) is blown off the sidewalks prior to each weekend.
19. There is a section of Riverwalk that is across the River to the north that also needs to be maintained. This is the walking areas and flower/shrub beds between the Maple Street Bridge and the Band Shell located along the River just below the parking lot on the corner of Washington Street and Memorial Drive. Grass shall be cut, shrubs/trees/perennials trimmed and maintained. The area also needs to be free of debris and trash.

Attachment 2

DDA Christmas Decorations\Sleighbell Scope of Service

As discussed in Section 5, the City agrees to provide the following Christmas Decorations\Sleighbell services:

- Wrapping 120 light poles with garland, ribbon, bows and lights.
- String bridges and marina walkway with garland, ribbon, bows and lights.
- Cut two Christmas trees, set on sleighs, decorate and light.
- Place additional garbage cans and service them.
- Place grills, barricades, fencing, judging stand, cones, signage, etc.
- Hang banners.
- Provide parade assistance.
- Clean up.
- Removal and storage of all items.

Attachment 3

DDA Hanging Flower Baskets Scope of Service

As discussed in Section 6, the City agrees to provide the following Hanging Flower Basket services:

- Season of work is generally May 15 to September 30.
- Install hanging baskets.
- Remove hanging baskets.
- Water hanging baskets a minimum of two and maximum three times per week.
- Fertilize hanging baskets as needed to maintain robust growth.
- Install mum baskets as provided by the DDA.
- Remove mum baskets.

Attachment 4

DDA Enhanced Services Scope of Service

As discussed in Section 7, the City agrees to provide the following Enhanced Services:

1. Winter maintenance (snow removal, sidewalk plowing, removal and salting)
2. East River street winter maintenance
3. Street Sweeping
4. Refuse pickup
5. Restroom cleaning
6. Signage
7. Striping parking areas
8. Streetlights maintenance
9. Sidewalks maintenance
10. Fountain operations and maintenance
11. Clock operations and maintenance
12. Flower boxes (preparation, placement, removal & storage)
13. Benches
14. Decorative banners (installation, removal & storage)

